

plementing Recommendations of the 9/11 Commission Act of 2007 [6 U.S.C. 1131 et seq., 1151 et seq.] and the amendments made by such titles.

(5) The Metropolitan Medical Response System authorized under section 723 of this title.

(6) The Interoperable Emergency Communications Grant Program authorized under subchapter XIII.

(7) Grant programs other than those administered by the Department.

**(c) Relationship to other laws**

**(1) In general**

The grant programs authorized under sections 604 and 605 of this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).<sup>2</sup>

**(2) Allocation**

The allocation of grants authorized under section 604 or 605 of this title shall be governed by the terms of this part and not by any other provision of law.

(Pub. L. 107-296, title XX, § 2002, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 273.)

REFERENCES IN TEXT

The Federal Fire Prevention and Control Act of 1974, referred to in subsec. (b)(1), is Pub. L. 93-498, Oct. 29, 1974, 88 Stat. 1535, which is classified principally to chapter 49 (§ 2201 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of Title 15 and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(2), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (b)(3), (4), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. Title II of the Act amended section 762 of this title and section 5196c of Title 42, The Public Health and Welfare. Title XIV of the Act is classified generally to subchapter III (§ 1131 et seq.) of chapter 4 of this title. Title XV of the Act is classified principally to subchapter IV (§ 1151 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see Short Title of 2007 Amendment note set out under section 101 of this title and Tables.

Section 1014 of the USA PATRIOT Act, referred to in subsec. (c)(1), is section 1014 of Pub. L. 107-56, which is set out as a note under this section.

GRANT PROGRAM FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT

Pub. L. 107-56, title X, § 1014, Oct. 26, 2001, 115 Stat. 399, as amended by Pub. L. 107-273, div. C, title I, § 11003, Nov. 2, 2002, 116 Stat. 1816, provided that:

“(a) IN GENERAL.—The Office for Domestic Preparedness of the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

“(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to purchase needed equipment and to

provide training and technical assistance to State and local first responders. In addition, grants under this section may be used to construct, develop, expand, modify, operate, or improve facilities to provide training or assistance to State and local first responders.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as necessary for each of fiscal years 2002 through 2007.

“(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

“(3) MINIMUM AMOUNT.—Each State shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated not less than 0.25 percent.”

[For transfer of functions, personnel, assets, and liabilities of the Office for Domestic Preparedness of the Office of Justice Programs, including the functions of the Attorney General relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(5), 551(d), 552(d), and 557 of this title and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of this title.]

**§ 604. Urban Area Security Initiative**

**(a) Establishment**

There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, protecting against, and responding to acts of terrorism.

**(b) Assessment and designation of high-risk urban areas**

**(1) In general**

The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

**(2) Initial assessment**

**(A) In general**

For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 608(a)(1) of this title; and

(ii) information and materials submitted under subparagraph (B).

**(B) Submission of information by eligible metropolitan areas**

Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

(ii) review the risk assessment conducted by the Department of that eligible metro-

<sup>2</sup> See References in Text note below.

politan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

**(3) Designation of high-risk urban areas**

**(A) Designation**

**(i) In general**

For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

**(ii) Additional areas**

Notwithstanding paragraph (2), the Administrator may—

(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

**(iii) Rule of construction**

Nothing in this subsection may be construed to require the Administrator to—

(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

**(B) Jurisdictions included in high-risk urban areas**

**(i) In general**

In designating high-risk urban areas under subparagraph (A), the Administrator shall determine which jurisdictions, at a minimum, shall be included in each high-risk urban area.

**(ii) Additional jurisdictions**

A high-risk urban area designated by the Administrator may, in consultation with the State or States in which such high-risk urban area is located, add additional jurisdictions to the high-risk urban area.

**(c) Application**

**(1) In general**

An area designated as a high-risk urban area under subsection (b) may apply for a grant under this section.

**(2) Minimum contents of application**

In an application for a grant under this section, a high-risk urban area shall submit—

(A) a plan describing the proposed division of responsibilities and distribution of fund-

ing among the local and tribal governments in the high-risk urban area;

(B) the name of an individual to serve as a high-risk urban area liaison with the Department and among the various jurisdictions in the high-risk urban area; and

(C) such information in support of the application as the Administrator may reasonably require.

**(3) Annual applications**

Applicants for grants under this section shall apply or reapply on an annual basis.

**(4) State review and transmission**

**(A) In general**

To ensure consistency with State homeland security plans, a high-risk urban area applying for a grant under this section shall submit its application to each State within which any part of that high-risk urban area is located for review before submission of such application to the Department.

**(B) Deadline**

Not later than 30 days after receiving an application from a high-risk urban area under subparagraph (A), a State shall transmit the application to the Department.

**(C) Opportunity for State comment**

If the Governor of a State determines that an application of a high-risk urban area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

(i) notify the Administrator, in writing, of that fact; and

(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

**(5) Opportunity to amend**

In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

**(d) Distribution of awards**

**(1) In general**

If the Administrator approves the application of a high-risk urban area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

**(2) State distribution of funds**

**(A) In general**

Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

**(B) Funds retained**

A State shall provide each relevant high-risk urban area with an accounting of the

items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

**(3) Interstate urban areas**

If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

**(4) Certifications regarding distribution of grant funds to high-risk urban areas**

A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

**(e) Authorization of appropriations**

There are authorized to be appropriated for grants under this section—

- (1) \$850,000,000 for fiscal year 2008;
- (2) \$950,000,000 for fiscal year 2009;
- (3) \$1,050,000,000 for fiscal year 2010;
- (4) \$1,150,000,000 for fiscal year 2011;
- (5) \$1,300,000,000 for fiscal year 2012; and
- (6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

(Pub. L. 107-296, title XX, § 2003, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 274.)

**§ 605. State Homeland Security Grant Program**

**(a) Establishment**

There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

**(b) Application**

**(1) In general**

Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

**(2) Minimum contents of application**

The Administrator shall require that each State include in its application, at a minimum—

(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

(B) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

(C) a budget showing how the State intends to expend the grant funds.

**(3) Annual applications**

Applicants for grants under this section shall apply or reapply on an annual basis.

**(c) Distribution to local and tribal governments**

**(1) In general**

Not later than 45 days after receiving grant funds, any State receiving a grant under this

section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

(A) not less than 80 percent of the grant funds;

(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

**(2) Certifications regarding distribution of grant funds to local governments**

A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

**(3) Extension of period**

The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

**(4) Exception**

Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

**(5) Direct funding**

If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

**(d) Multistate applications**

**(1) In general**

Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

**(2) Administration of grant**

If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

(A) the division of responsibilities for administering the grant; and

(B) the distribution of funding among the States that are parties to the application.

**(e) Minimum allocation**

**(1) In general**

In allocating funds under this section, the Administrator shall ensure that—